

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD HALLAM,

Defendant.

Case No. CR02-5716FDB

ORDER DENYING AMENDMENT  
OF JUDGMENT AND  
COMMITMENT ORDER

Defendant Hallam moved for amendment of his Judgment and Commitment Order to reflect his prior custody credit while he was held on Federal Detainer. For the following reasons, Hallam's motion must be denied.

Hallam pled guilty to charges brought under two cause numbers in Cowlitz County, and on February 13, 2003, he received a sentence of 48 months imprisonment on each cause number to run concurrently with each other.

On September 4, 2003, Hallam made his initial appearance in federal court, subsequently pled guilty, and on April 16, 2004 was sentenced to 30 months consecutive to his underlying Washington State convictions. On April 19, 2003, following his sentencing, he was returned to the Washington State Department of Corrections to serve the remainder of his state sentences. Hallam received

1 credit against his state sentence for the time that he was in federal custody on the instant charges.

2 Hallam completed his state sentence and was brought into federal custody on September 28, 2005.

3 Title 18 U.S.C. § 3585(b) governs credit for time served and provides:

4 A defendant shall be given credit toward service of a term of imprisonment for  
any time he has spent in official detention prior to the date the sentence commences –

5 (1) as a result of the offense for which the sentence was imposed; or

6 (2) as a result of any other charge for which the defendant was  
arrested after the commission of the offense for which the sentence  
was imposed;

7 that has not been credited against another sentence.

8 The Bureau of Prisons has advised the United States Attorney's Office that at the time the  
9 defendant was brought into federal custody on September 4, 2003, he was still serving his state

10 sentence. The Government states that the Department of Corrections, through the records

11 custodian, Arrel Dayton, of Stafford Creek Prison, has confirmed that the defendant continued to

12 receive credit for time served while in federal custody.

13 NOW, THEREFORE, IT IS ORDERED: Defendant Hallam's Motion to Amend his  
14 Judgment and Commitment Order [Dkt. # 51] is DENIED.

15  
16 DATED this 16<sup>th</sup> day of June, 2006.

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19 FRANKLIN D. BURGESS  
20 UNITED STATES DISTRICT JUDGE  
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